

NOTICES OF EMERGENCY RULEMAKING

Under the Administrative Procedure Act, an agency may determine that adoption, amendment, or repeal of a rule is necessary for immediate preservation of the public health, safety or welfare and the notice and public participation requirements are impracticable. Under this determination, the agency may adopt the rule as an emergency and submit it to the Attorney General for review. The Attorney General approves the rule and then files it with the Secretary of State. The rule takes effect upon filing with the Secretary of State and remains in effect for 180 days. An emergency rule may be renewed for one 180-day periods if the requirements of A.R.S. § 41-1026 are met. If the emergency rule is not renewed or the rule is not permanently adopted by the end of the 180-day period, the emergency rule expires and the text of the rule returns to its former language, if any.

NOTICE OF EMERGENCY RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
| R7-2-606 | Amend |
| R7-2-614 | Amend |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 15-203(A)
Implementing statute: A.R.S. § 15-203(A)(14)
- 3. The effective date of the rules:**
August 5, 2002
- 4. Is this rulemaking a renewal of a previous emergency rulemaking?**
No
- 5. The name and address of agency personnel with whom persons may communicate regarding the rule:**
- | | |
|------------|--|
| Name: | Ralph Romero, Deputy Associate Superintendent |
| Address: | 1535 W. Jefferson, Room 112
Phoenix, AZ 85007 |
| Telephone: | (602) 542-7462 |
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- 6. An explanation of the rule, including the agency's reasons for initiating the rule:**
The amendments referenced in item #1 address two essential issues that require resolution immediately. The first pertains to relief from the requirement to take and receive a passing score on the performance portion of the Arizona Administrator Proficiency Assessment if the Board has not adopted the performance portion of the assessment. This amendment is necessary because the State Board has not yet adopted an Arizona Administrator Proficiency Assessment. The second amendment deletes administrative experience as a substitute for a required practicum. The second amendment is necessary because experience does not adequately replace the practicum. The third amendment states that superintendent certificates are necessary only for superintendents of school districts with more than 600 students. This amendment is necessary to assist school districts with fewer than 600 students hire qualified superintendents to work in their districts.
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 8. The summary of the economic, small business, and consumer impact:**
The amendments will have no negative economic, small business, or consumer impact.

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9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

10. Incorporations by reference and their location in the rules:

None

11. An explanation of the situation justifying the rule's adoption as an emergency rule:

The State Board of Education has determined that the amendments to R7-2-606 and R7-2-614 are necessary for the immediate preservation of the public health, safety, or welfare of the students enrolled in the public schools in Arizona, and to avoid serious prejudice to the public interest and to the interests of the parties concerned, namely the students, teachers, administrators, schools, school districts, and school communities, and pursuant to A.R.S. § 41-1026.

In November 2000, the State Board of Education adopted a large number of amendments to most of the rules previously promulgated in 1998 related to teacher and administrator certifications. In April 2002, the Attorney General rejected the 2000 amendments and returned the rules to the State Board of Education. Although the rejected amendments addressed many issues, two were of critical importance to the issuance of certificates to administrator applicants and to their employment in Arizona school districts.

Rules approved in 1998 contained a requirement for applicants applying for an administrative certificate to successfully complete a performance assessment. Since the Board had policy concerns and questions regarding the validity and practicality of a performance assessment, one was never developed although language referring to the need to complete the assessment remained in the rules. The rejected rules, approved by the Board in November 2000, omitted reference to a performance assessment and in its place made reference to the Administrator Proficiency Assessment. (Note: underline added to facilitate distinguishing between the two terms.)

The rejection of Board rules implemented in November 2000 now requires resort to a performance assessment that does not exist in order to qualify for an administrative certificate. The adoption of this emergency rule will resolve the issue with phraseology that specifically addresses requirements that must be met if the Board has not adopted the performance assessment. There has been an average of 1614 administrative certificates issued each year for the past three years, a significant number in light of the impact on education of administrators with particularly broad responsibilities. These emergency rules are necessary to assure that applicants for administrative certificates can be evaluated under rules that are functional and will permit the certification of hundreds of administrators during the course of the next year.

The second critical issue pertains to selected requirements that must be met before an administrative certificate can be issued. Rejection of the November 2000 rules resulted in reversion to 1998 rules that include requirements for completion of the performance portion of the Arizona Administrator Proficiency Assessment and provisions that provide an option to substitute two years administrative experience for a practicum in educational administration in order to qualify for issuance of supervisor, principal, and superintendent certificates. The rejected rules also required a superintendent certificate only for individuals serving in districts with a student population of more than 600.

The emergency rules delete from the requirements the option of substituting two years of administrative experience for the practicum. Use of experience with its undefined parameters, in lieu of a structured academic practicum involving the dual supervision of a university and district, created the possibility of abuse and established a tacit means for individuals to obtain administrative experience without the regimen of an academic program or without having first acquired the necessary certification. Additionally, emergency rules that address the need for a passing score on the performance portion of the Arizona Administrator Proficiency Assessment now include a qualifier that makes the rule applicable only if the Board has adopted the assessment.

Because there are a significant number of individuals in smaller districts (600 students or less) now serving without a certificate in the capacity of superintendents, the emergency rules remain consistent with the intent of the Board and continue to exempt these superintendents from the need for a superintendent certificate. These individuals, most often employed in remote, hard-to-recruit areas, are essential to the administration of educational programs for students. Implementing a certification requirement for these administrators, the vast majority of whom are not currently certificated, would generate severe vacancies and create an unacceptable burden on districts that have at best only a shallow pool of administrator candidates.

This emergency situation has not been created due to delay or inaction by the State Board of Education. The Board recognized the circumstances before there was any effect on an individual's certification, and the Board adopted remedies to the two issues outlined herein in an effort to avoid a critical situation.

12. The date of the Attorney General's approval of the emergency rule:

August 5, 2002

13. The full text of the rule follows:

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION

Section

R7-2-606. Proficiency Assessments

R7-2-614. Administrative Certificates

ARTICLE 6. CERTIFICATION

R7-2-606. Proficiency Assessments

- A. No change
- B. No change
- C. No change
- D. No change
- E. The Arizona Administrator Proficiency Assessment shall assess professional knowledge and performance as described in R7-2-603 as a requirement for certification of administrators, supervisors, principals, and superintendents. If the Board has not adopted the performance assessment portion of the Arizona Administrator Proficiency Assessment, an applicant for an administrative certificate shall not be required to take and receive a passing score on the performance portion of the assessment, but shall be certified as an administrator, supervisor, principal or superintendent upon meeting the remaining requirements of R7-2-614.
- F. No change
- G. No change
- H. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- I. No change
 - 1. No change
 - 2. No change
 - 3. No change

R7-2-614. Administrative Certificates

- A. No change
- B. Supervisor Certificate -- grades Prekindergarten-12
 - 1. The supervisor certificate is required for all personnel whose primary responsibility is administering instructional programs, supervising certified personnel, or similar administrative duties.
 - 2. The certificate may be renewed with a concurrently held teaching certificate. The expiration date shall be the same as the expiration date of the teaching certificate.
 - 3. The requirements are:
 - a. A standard elementary, secondary, or special education certificate;
 - b. A Master's or more advanced degree;
 - c. Three years of verified teaching experience in grades Prekindergarten-12;
 - d. Completion of a program in educational administration which shall consist of a minimum of 18 graduate semester hours of educational administration courses which teach the knowledge and skills described in R7-2-603;
 - e. A practicum in educational administration ~~or 2 years of verified educational administrative experience in grades Prekindergarten-12;~~
 - f. A passing score on the professional knowledge portion of the Arizona Administrator Proficiency Assessment;
 - g. A passing score on the performance portion of the Arizona Administrator Proficiency Assessment if the Board has adopted a performance portion of the assessment; and
 - h. A valid Class 1 or Class 2 fingerprint clearance card.
 - 4. A valid supervisor certificate from another state may be substituted for the teaching experience, program in educational administration, and practicum described in subsection (B)(3)(c), (d), and (e).

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C. Principal Certificate -- grades Prekindergarten-12

1. The principal certificate is required for all personnel who hold the title of principal, assistant principal, or others with similar administrative duties.
2. The certificate is valid for 6 years.
3. The requirements are:
 - a. A Master's or more advanced degree;
 - b. Three years of verified teaching experience in grades Prekindergarten-12;
 - c. Completion of a program in educational administration for principals including at least 30 graduate semester hours of educational administration courses teaching the knowledge and skills described in R7-2-603;
 - d. A practicum as a principal ~~or 2 years of verified experience as a principal or assistant principal in grades Prekindergarten-12;~~
 - e. A passing score on the professional knowledge portion of the Arizona Administrator Proficiency Assessment;
 - f. A passing score on the performance portion of the Arizona Administrator Proficiency Assessment if the Board has adopted a performance portion of the assessment; and
 - g. A valid Class 1 or Class 2 fingerprint clearance card.
4. A valid principal certificate from another state may be substituted for the teaching experience, program in educational administration, and practicum described in subsection (C)(3)(b), (c), and (d).

D. Superintendent Certificate -- grades Prekindergarten-12

1. The superintendent certificate is required for superintendents, assistant or associate superintendents, district chief executive officers regardless of title, and others with similar district-level administrative duties in school districts with a student population of more than 600.
2. The certificate is valid for 6 years.
3. The requirements are:
 - a. A Master's or more advanced degree including at least 60 graduate semester hours;
 - b. Completion of a program in educational administration for superintendents, including at least 36 graduate semester hours of educational administrative courses which teach the standards described in R7-2-603;
 - c. Three years of verified teaching experience in grades Prekindergarten-12;
 - d. A practicum as a superintendent ~~or 2 years verified experience as a superintendent, assistant superintendent, or associate superintendent in grades Prekindergarten-12;~~
 - e. A passing score on the professional knowledge portion of the Arizona Administrator Proficiency Assessment;
 - f. A passing score on the performance portion of the Arizona Administrator Proficiency Assessment if the Board has adopted a performance portion of the assessment; and
 - g. A valid Class 1 or Class 2 fingerprint clearance card.
4. A valid superintendent certificate from another state may be substituted for the program in educational administration, teaching experience, and practicum described in subsection (D)(3)(b), (c), and (d).
5. Individuals who hold an Alternative Superintendent Certificate before the effective date of this rule shall be issued a Superintendent Certificate at the time of renewal. Individuals who were evaluated for an Alternative Superintendent Certificate before the effective date of this rule and who meet the qualifications in effect at the time of evaluation within two years of the evaluation shall be issued a Superintendent Certificate.